THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 28469 of 2007

Dated: 31.12.2007

Between:

Bovilla Narasa Reddy and others.

... Petitioners

AND

The Special Collector (LA),
Galeru Nagari Sujala Sravanthi (GNSS),
Kadapa, Kadapa District & another.

... Respondents

Counsel for the petitioners : Sri T. Nagarjuna Reddy

Counsel for the respondents : Assistant Government Pleader for Land Acquisition

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 28469 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not including certain structures and trees belonging to the petitioners in notification dated 21.11.2007 issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short, 'the Act') and published in Telugu Naadu evening newspaper, as illegal and arbitrary.

The petitioners in their affidavit filed in support of the writ petition pleaded that their lands situated in Akutotapalli village are proposed for acquisition and notification under Section 4 (1) of the Act was published on 21.11.2007 in Telugu Naadu evening newspaper; that there are structures of BJCR (Bridgical Jelly Concrete Roof) and Mangalore tiled roof houses in existence on the said property. The grievance of the petitioners is that the structures existing on their lands, which are proposed to be acquired, are not included in the notification issued under Section 4 (1) of the Act.

Heard Sri T. Nagarjuna Reddy, learned counsel for the petitioners and the learned Assistant Government Pleader for Land Acquisition.

Though the petitioners have not filed any material in support

of the existence of the said alleged structures, except the representation made by them to respondent No.2, I do not propose to non-suit the petitioners only for that reason because if there really exist such structures and they are not included in the notification, the petitioners cannot be denied compensation.

Since the dispute whether the structures really exist or not can be ascertained only by making a personal inspection, I deem it appropriate to dispose of the writ petition with a direction to respondent No.2 to make a local inspection of the property, which is under acquisition, after giving advance notice to the petitioners, make the personal assessment and include these structures, if they are found to be in existence under acquisition, if necessary, by issuing an addendum to the notification already issued under Section 4 (1) of the Act.

Subject to the above observation, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WPMP.No.37185 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

Date: 31.12.2007
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